

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ZINA MARIE HUNT,

Plaintiff,

v.

Case No. 06-C-0204

DISTRICT ADMINISTRATOR
WAUWATOSA SCHOOL DISTRICT,

Defendant.

ORDER

On July 31, 2007, the court dismissed this action with prejudice for plaintiff's lack of prosecution following her failure to attend her deposition scheduled on June 12, 2007. The court had previously warned plaintiff that her failure to prosecute this action may result in dismissal. (See Order, September 19, 2006) Plaintiff's motion to reinstate the action was granted on August 24, 2007 based upon the court's acceptance of plaintiff's explanation for missing the deposition. (See Order, August 24, 2007).

On December 21, 2007, defendant filed a motion to compel on the basis that plaintiff failed to produce various specifically enumerated documents in response to defendant's First Request For Production Of Documents. Plaintiff has failed to produce such documents, has failed to respond to defendant's counselor's efforts to discuss the matter and has failed to respond to defendant's motion to compel. Notice of hearing on defendant's motion to compel was served on the parties by the court on January 22, 2008, and that hearing was held on January 29, 2008.

Defendant appeared by counsel, and plaintiff failed to appear. Neither the court nor counsel for defendant have had any communication from or contact with plaintiff since defendant's December 21, 2007 motion.

Based upon plaintiff's lack of diligence in prosecuting this action, the court dismisses this action with prejudice. Sec. Civil L.R. 41.3 ("Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action, the Court may enter an order of dismissal with or without prejudice. Any affected party can petition for reinstatement of the action within 20 days.")

Accordingly,

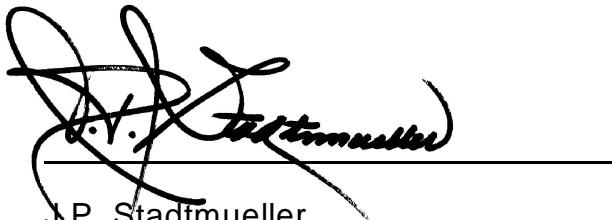
IT IS ORDERED that this action is hereby **DISMISSED** with prejudice for lack of prosecution.

IT IS FURTHER ORDERED that the defendant's motion to compel be and the same is **DENIED** as moot.

The clerk of court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 31st day of January, 2008.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge